a valuable food supply, the right to protect game is within the police power of a state, and that this power "may be none the less efficiently called into play because by so doing interstate commerce may be remotely and indirectly affected." *Geer* v. *Connecticut*, 161 U. S. 519.

As to the matter of construction in the New York case, the words of the statute are explicit, and a previous New York statute on the subject, which is similarly phrased, has been held to cover imported game as well as that killed within the state. *Phelps* v. *Racey*, 60 N. Y. 10. Hence the view of the majority of the court on this point seems open to criticism. In regard to the more general question as to the right of a state to prohibit the possession or sale of imported game, the narrow distinctions made in some of the more recent cases appear to leave it open to doubt whether the Supreme Court might not find reason to treat this case as another exception to the harsh rule of *Leisy* v. *Hardin*. Moreover, Congress has never expressly legislated in regard to this particular subject. It would seem, therefore, that the supervision of the whole matter rests not with the judiciary, but with Congress, for it is to that body that the Constitution has intrusted the power to regulate interstate and foreign commerce. 2 Thayer's Cases on Constitutional Law, 2191.

SUIT BY CORPORATION FOR SLANDER OF ITS OFFICER. — The great and ever increasing number of corporations assuming all the functions of individuals has created a tendency in modern decisions to assimilate as far as possible the rights and duties of corporations to the rights and duties of natural persons. This tendency is marked by the fact that it is law today that a corporation may sue or be sued in actions of such personal nature as deceit, libel, and slander. Morawetz on Corporations, 2d ed. vol. 2, p. 727.

Brayton v. *Cleveland Special Police Co.*, 57 N. E. Rep. 1085 (Ohio), was an attempt on the part of a corporation to recover damages for loss of business due to the defendant's defamation of its general manager and treasurer. The case may be considered from two points of view: as an action of slander based on the theory that the slander of the general manager involves a slander of the corporation, or as a special action to recover for consequential injuries resulting from the slander of a third person. On the first view the case fails, as is pointed out by the court; an action of slander is personal, and can only be brought by the person directly defamed. The second view presents the question as to whether an action on the case can be maintained for consequential injuries due to the slander of a third person, where the injuries so resulting were intended. The general rule is that such an action will not lie; the reason usually stated being that it is impossible to satisfy the court that the defamatory words were the legal cause of the injuries. Odgers, Libel and Slander, 3d ed. p. 15. An English court, however, has allowed a recovery in an action by a grocer for damage to his trade, resulting from the slander of his wife who worked in his shop. *Riding* v. *Smith*, L. R. 1 Ex. 91. He did not sue for an implied slander to himself in his trade, but for the damage to his business, the legal cause of which was the defendant's wrongful act. On the strength of this decision the Circuit Court of Ohio gave judgment for the plaintiff in the principal case. The Supreme Court, however, distinguished the case from *Riding* v. *Smith*, *supra*, on the ground that the slander of Maher

(the general manager and treasurer) was made of him as an individual, and not in his business capacity, while in *Riding* v. *Smith* the slander of the wife was made "in relation to the business" of her husband, and reversed the decision. Such a distinction seems of little importance on principle. If the defendant, intending to injure the corporation, slandered Maher, and the intended injury resulted as a natural consequence of his words, it is immaterial whether he slandered Maher as an individual, or as the manager of the corporation. The test of the action is not whether there is an implied slander, but whether the wrongful misstatement can in a legal sense be said to cause the injuries sustained. This is the test applied in *Ratcliffe* v. *Evans*, [1892] 2 Q. B. 524, where a boiler-maker sued for general loss of trade due to a false publication that he had given up his business. The court held that although the words were not libellous or defamatory, an action on the case was maintainable, as the injuries were the natural and probable consequence of the false statements. If courts will allow recovery in such a case, it is difficult to see on principle why under some circumstances an action should not lie for injuries of which the slander of a *third* person is the proximate and predominating cause. See 14 HARVARD LAW REVIEW, 184.

DEATH BY WRONGFUL ACT. — While the language of the statutes doing away with the civil immunity of a tortfeasor whose wrongful act results in death varies more or less in different jurisdictions, the courts are practically agreed that any act by the party injured which, had he lived, would be a bar to his suit for the injury, will also be a bar to a suit under the statute by his personal representative. But even under similarly worded statutes widely different reasoning has been employed in reaching this admittedly desirable result. By many it has been thought to depend on the question whether a new right of action was given by the statutes to the personal representative of the deceased, or whether they merely provided for a survival of the action that at common law died with the party injured. In England, after some doubt, Lord Campbell's act was held not to give a new cause of action, and hence a release by the decedent, even before any injury, was a bar to a suit under the statute. *Haigh* v. *Royal Mail S. P. Co.*, 5 Asp. M. C. 189. In this country the courts, though in the main repudiating the doctrine that no new right of action is given, generally reach the same result as the English court by a more or less strained construction of the statutes — seizing hold of phrases such as the common provision that an action lies "if the neglect, etc., is such as would have entitled the party injured to maintain an action" as indicating the intention of the legislature to be that if for any cause the party injured could not have sued, there is a good defence to an action by the personal representatives. *Littlewood* v. *Mayor, etc. of New York*, 89 N. Y. 24. But even under a statute with no such ambiguous provisions, the same result was reached in a recent case by a court which at the same time admitted that the statute gave a new cause of action. *Southern Bell Telephone Co.* v. *Cassin*, 36 S. E. Rep. 881 (Ga.). The plaintiff's husband released the defendant from liability for personal injuries due to the defendant's negligence. Five years later, upon these injuries resulting in death, the plaintiff brought suit under the statute. The court held the release a bar on the ground that the wife was privy to